

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THOMAS BAKER, SEAN BAILEY, NICOLE  
BOLDEN, ALLISON NELSON, MEREDITH  
WALKER, individually and on behalf of all  
others similarly situated,

Plaintiffs,  
vs.

CITY OF FLORISSANT, MISSOURI,  
  
Defendant.

Case No.: 4:16-cv-1693

**REPLY IN SUPPORT OF  
DEFENDANT’S MOTION FOR LEAVE TO FILE EXCESS PAGES**

Where the Plaintiffs are most clearly incorrect in their opposition to the Defendant’s request for excess pages lies in their suggestion that the class certification motion in this case is in any way “typical.”<sup>1</sup> Defendant would respectfully suggest that a “typical” motion for class certification is not filed during the pendency of a motion to reconsider [ECF 160] a failed motion for leave to amend a complaint [ECF 142]. A typical motion for class certification does not seek to certify 8 classes (4 in the alternative) where 4 different classes have been pled [Compare ECF 167 and 204]. A typical motion for class certification does not attempt to broadly expand classes and claims well beyond the pleadings, particularly after the Plaintiffs have been denied amendment to those pleadings based on their own lack of diligence [Compare ECF 167 and 200]. That the Plaintiff suggests that *they* will suffer obstruction or be denied “balanced consideration” of the arguments is without merit.

---

<sup>1</sup> See ECF 213 at p. 2, where the Plaintiffs state that “the need to respond to content **typically** covered in a Motion for Class Certification cannot support such a sizable page increase.” *Id.* (citations omitted, emphasis added).

In addition, the Plaintiffs have not sought an evidentiary hearing on class certification, and the Defendant will make no such request. Given the nature and scope of this case and the foregoing circumstances, Defendant respectfully submits that enhanced briefing is appropriate. Nevertheless, the Defendant has efforted and will continue to effort to reduce the size of its response in opposition to class certification below the allotment requested. But its request, atypical though it may be, is required to meet the atypical motion filed by the Plaintiffs. This is requested in the interest of justice and not for any improper purpose.

Respectfully submitted,

/s/ Blake D. Hill

Blake D. Hill, #58926MO  
HELLMICH, HILL & RETTER, LLC  
1049 North Clay Avenue  
Kirkwood, MO 63122  
314-646-1110 – Phone  
314-646-1122 – Fax  
[blake@hellmichhillretter.com](mailto:blake@hellmichhillretter.com)  
*Attorneys for Defendant City of Florissant, MO*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 8<sup>th</sup> day of April 2021 to be served by operation of the Court's electronic filing system upon all parties through their counsel registered with CM/ECF.

/s/ Blake D. Hill